

REMARKS

This Application has been carefully reviewed in light of the Office Action. Applicants appreciate the Examiner's consideration of the Application. In order to advance prosecution of this Application, Applicants have responded to each notation by the Examiner. Applicants respectfully request reconsideration and favorable action in this case.

Specification

Claims 5, 8, 15, 20, 23, 30, 32, 36, and 39 have been amended in accordance with the requirement of the Examiner to correct informalities. Applicants thank the Examiner for pointing out the informalities. Moreover, the specification provides clear support and antecedent basis for "deciding, at the packet data serving node, whether to negotiate a point-to-point session for the mobile node in response to the determinations," "negotiating the point-to-point session if the previous packet controller function is not serviced by the packet data serving node," and "updating the point-to-point session if the previous packet controller function is serviced by the packet data serving node." Examples may be found on p. 6, ln. 16-21; p. 20, ln. 3-10, 21-31; and p. 21, ln. 7-12.

Thus, the specification provides clear support or antecedent basis for the terms and phrases of the claims so that the meaning of the terms in Claims 5, 8, 15, 20, 23, 30, 32, 36, and 39 may be ascertainable by reference to the specification.

Section 112 Rejections

Claims 5, 8, 15, 20, 23, 30, 32, 36, and 39 have been amended in accordance with the requirement of the Examiner to correct informalities. Applicants thank the Examiner for pointing out the informalities. The claims particularly point out and distinctly claim the subject matter the Applicants regard as the invention, and thus are allowable under 35 U.S.C. § 112.

Section 101 Rejections

Claims 1, 8, 9, 15, 33, 36, and 41 have been amended in accordance with instructions from the Examiner. In addition, Applicants point out that Claims 26 and 32 recite, “A packet data serving node ... comprising: a memory ... and a processor,” and thus are allowable under 35 U.S.C. § 101. Thus, Claims 1-15, 26-39, and 41 are allowable under 35 U.S.C. § 101.

Section 103 Rejections

The Examiner rejects under 35 U.S.C. § 103(a): Claims 1-7, 9-14, 16-22, 24-31, 33-38, and 40-41 as being unpatentable over of U.S. Patent No. 6,628,671 to Dynarski et al. (“*Dynarski*”), U.S. Patent No. 6,985,464 to Harper et al. (“*Harper*”), and U.S. Patent Application Pub. No. 2002/0053431 to Madour et al. (“*Madour*”).

Applicants respectfully submit that the combinations proposed by the Examiner fail to disclose, teach, or suggest the elements specifically recited in Applicants’ claims. For example, the combination of *Dynarski* and *Harper* proposed by the Examiner fails to disclose, teach, or suggest the following elements recited in independent Claim 1:

communicating, by a packet data serving node, through a tunnel with a current packet controller function, the current packet controller function operating as a packet switch, the tunnel enabling the current packet controller function and the packet data serving node to communicate over an Internet Protocol-based network, the current packet controller function serviced by the packet data serving node.

Dynarski discloses, instead of renegotiating PPP protocols, switching a PPP state from a session of one port of a network access server to a session of another port of the network access server:

Rather than re-negotiate the PPP protocols (LCP and NCP) for the new session, the PPP state is switched from the dormant PPP session associated with the first port to the session associated with the second port in the network access server.

(*Dynarski*, col. 3, ln. 33-37.) *Harper* discloses, “The PDSN [Packet Data Serving Node] interfaces to the BS [Base Station Subsystem] through a Packet Control Function (PCF), which may or may not be co-located with the BS.” (*Harper*, col. 3, ln. 25-27.)

The Examiner argues that the ports of *Dynarski*, in light of *Harper*, disclose, teach, or suggest packet control functions. (Office Action, pp. 9-10.) Applicants, however,

respectfully submit that the *Dynarski* ports, even in light of *Harper*, fail to disclose, teach, or suggest packet control functions. While a port and a packet control function may be described as an interface, the port of *Dynarski*, even in light of *Harper*, fail to disclose, teach, or suggest a packet control function, especially a “packet controller function operating as a packet switch that provides a circuit service between the packet data serving node and a base station controller.”

For at least these reasons, independent Claim 1 and its dependent claims are allowable. For analogous reasons, independent Claims 8, 9, 15, 16, 23, 26, 32, 33, 39, 40, and 41, and their dependent claims are allowable. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 1-41.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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